

Exhibit 5

Defendant's Answers to Interrogatories

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

HUI MINN LEE,)
Plaintiff,)
vs.) Case No. 1:18-cv-1046
MARKET AMERICA, INC.,)
Defendant.)

**DEFENDANT MARKET AMERICA, INC.'S ANSWERS TO PLAINTIFF'S
FIRST SET OF INTERROGATORIES**

COMES NOW Defendant, Market America, Inc., (hereinafter "Market America" or "MA"), who after first being duly sworn and pursuant to provisions of Rules 26 and 33 of the Federal Rules of Civil Procedure and hereby responds to the Plaintiff's First Set of Interrogatories and avers:

1. Please provide the name, address and telephone number of any individual the Defendant contends has knowledge of any facts raised in either the Amended Complaint or Answer to the Amended Complaint. Please describe with specificity what that person has knowledge of.

ANSWER:

See Initial Disclosures.

2. Please provide the name, address and telephone number of any witness you intend to offer, or who may be offered, to testify at the trial of this matter. Please describe with specificity the facts the Defendant believes that witness will offer testimony.

ANSWER:

OBJECTION. MA, through counsel, objects to this interrogatory as it seeks the work product of the attorney of record, and witness lists will be made in anticipation of litigation. Discovery is also ongoing, and witness lists are subject to change.

Without waiving the foregoing, see Initial Disclosures.

3. Please state with specificity each and every complaint made by the Plaintiff regarding discrimination in the workplace. Include the following in your response:

- a) the date the complaint(s) was made;
- b) the name and title of each individual to whom the complaint was made;
- c) the subject matter and substance of the complaint;
- d) the manner of the complaint (i.e. written or verbal); and,
- e) the resolution, if any, of the complaint.

ANSWER:

Plaintiff made no such complaints alleging discrimination in the workplace.

4. Please state whether the Plaintiff was NOT qualified for any position for which she applied at any time during her employment with the Defendant. If so, please state with specificity the following:

- a) the position applied for;
- b) the date of the application;
- c) the reason the Plaintiff was deemed unqualified;
- d) the name and job title of the individual(s) who deemed the plaintiff unqualified for the position(s); and,
- e) the name, race, age, address and current job title for anyone who was hired or promoted to any position identified in response to subpart a) herein.

ANSWER:

Ms. Lee was initially employed as an hourly distributor services representative. She later transferred to the training group housed in the Human Relations Department as a salaried corporate trainer. Other than these positions, she did not apply to any other positions. Ms. Lee did not have any managerial experience known to MA prior to working for MA, which would deem her potentially unqualified at the time for a manager role. She did not, however, apply for a manager role.

5. Please describe with specificity any and all training offered to any employee of the Defendant from January 1, 2015 through December 31, 2017 regarding workplace discrimination. For each training session identified, indicate where, when and by whom the training was administered, as well as the name, title and race of any employee who participated in that training.

ANSWER:

OBJECTION. MA objects, through counsel, to Interrogatory No. 5 as it seeks information prior to the time that is in question alleged in the Complaint, and subsequent to the time that Plaintiff worked for MA. This is therefore overly broad and not relevant.

Without waiving the foregoing, MA provided training for all newly hired individuals by video. MA currently provides non-discrimination training across all employees.

6. Please describe with specificity the Defendant's job posting, hiring and promotion policy for positions that became open and available within the Training and Development Department between January 1, 2015 through December 31, 2017.

ANSWER:

OBJECTION. MA Objects, through counsel, to Interrogatory No. 6 as it seeks information that is beyond the scope of the Complaint and Amended Complaint filed in this matter, is beyond the time period where the alleged violations took place, and beyond the time period that Plaintiff worked with MA. This makes the requests overly broad and not relevant.

Without waiving the foregoing, MA does not have records dating as far back as 2015 regarding job posting on third party sites or its website. Any recruitment outside of the Company would be posted on its website. Generally, MA attempts to promote from within the Company. Internal job openings are posted, and employees can apply. Those are reviewed by the manager for the position and Human Resources. The decision to hire is ultimately approved by the President of the Company.

7. Please provide the race, age, job title, name, address and telephone number of any individual who works, or has worked, under the supervision of Liliana Camara, Jr. since January 1, 2015.

ANSWER:

OBJECTION. Defendant, through counsel, objects to Interrogatory Number 7 as it seeks information that is overly broad and not relevant, as it encompasses a time period in which the Plaintiff no longer worked for the company after her termination in 2017.

Without waiving the foregoing, other than the Plaintiff, the following individuals were under the supervision of Liliana Camara from the time she became a manager through 2017:

Delia Zepeda: Training Specialist, Hispanic or Latino, age: 23
[REDACTED]

Henri Hue: Senior Trainer, Black, age: 33
[REDACTED]

Xiuman Chaffin: Training Specialist, Asian, age: 57
[REDACTED]

Cherri Walston: Leadership Performance Coach, age: 57
[REDACTED]

8. Please state whether the Plaintiff was NOT promoted to any position for which she applied at any time during her employment with the Defendant. If so, please state with specificity the following:

- a) the position applied for;
- b) the date of the application;

- c) the reason the Plaintiff was not promoted;
- d) the name and job title of the individual(s) who failed to promote the plaintiff to the position(s); and,
- e) the name, race, age, address and current job title to anyone who was hired or promoted to any position identified in response to subpart a) herein.

ANSWER:

Not applicable.

9. Please identify by name and job title (position) each individual involved in the decision-making process to a) initially hire the plaintiff, b) promote the plaintiff, c) determine the amount of her compensation from the commencement of her employment and d) terminate the plaintiff.

ANSWER:

- a) **Colbert Trotter (Director of Global Talent and Organizational Development) and Marc Ashley (President)**
- b) **Colbert Trotter and Marc Ashley**
- c) **Marc Ashley, Colbert Trotter, Beth Cox (Director of Human Resources), Amanda Clarida (Director, Corporate Training), Cathy Compton (Payroll), Shawn Pegram, Lois Josephs, Rick Williams,**
- d) **Liliana Camara, Marc Ashley, Sherry Spesock**

10. Please identify by name, address, telephone number and race each individual employed as a Trainer in the Training and Development Department for the Defendant since January 1, 2015. For each individual identified, please state the following;

- a. who hired the individual;
- b. the region/area within which that individual works or worked;

- c. the date that individual became employed as a Trainer; and,
- d. by whom the individual is/was supervised.

ANSWER:

OBJECTION. MA objects to Interrogatory No. 10 on the grounds that it seeks information that is overly broad and not relevant as the time period is beyond the time in which Ms. Lee worked for MA, prior to any allegations in the Complaint, and therefore not relevant. Further, the request of "region/area within which the individual works" is vague as this answering Defendant does not understand whether it is area of the building or area of the world, as the trainers were responsible for international and national trainings.

Without waiving the foregoing, see answer to Interrogatory No. 7.

11. For each individual identified in response to Interrogatory No. 10, please state the following regarding that individual:

- a. salary at time of hire;
- b. educational background since high school, including when and from which high school he/she graduated;
- c. name of the responsible hiring official(s);
- d. length of time in the position; and,
- e. salary at the time of separation from employment.

ANSWER:

OBJECTION. MA objects to Interrogatory No. 11 on the grounds that it seeks information that is overly broad and not relevant as the time period is beyond the time in which Ms. Lee worked for MA, prior to any allegations in the complaint, and therefore not relevant.

Without waiving the foregoing, see the employment files provided in the responses to request to produce. MA142-MA223, MA224-MA279, MA479-557, MA558-617.

12) Please describe and state with specificity each and every reason for the Plaintiff's separation of employment.

ANSWER:

Plaintiff was separated from her job for her repeated failure to work with her direct supervisor, perform tasks assigned to her, work with new software, adapt and change her work, failure to properly complete her training sessions as requested, and failure to be a team player.

13) Please identify by job title each and every position that was open and available at the time of, or within three (3) months after, the Plaintiff's termination.

ANSWER:

OBJECTION. MA objects to this interrogatory as it is overly broad and not relevant. To provide all job openings not within Ms. Lee's skill set or location would not be relevant to this case.

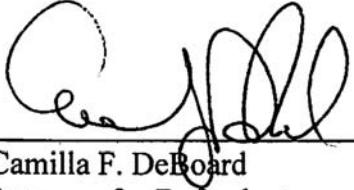
Without waiving the foregoing, the following positions were available during the time period requested:

Project Manager	Social Media	Product Information Specialist
Corporate Controller	Community Manager	Copy Writer - Asia Markets
Blog Manager	Beauty and Cosmetics	2nd Shift Accounts Representative
Blog Manager	Mobile Applications	Accounts Service Rep Bilingual
Copywriter - Asia	Architect	Mandarin
Markets	Web Analyst	Business Analyst - Bilingual
Senior Accountant	Intern(s) - Fall	Travel Concierge
TEST Recruiting	Semester	Purchasing Agent
Coordinator	Translator - Mandarin	Director of Field Compliance
Product Information	Mobile Applications	Unauthorized Online Sales Specialist
Specialist	Architect	Unauthorized Online Sales Specialist
Marketplace	Recruiter - Hospitality	Travel Coordinator
Operations	Service Staff	Senior Graphic Designer
Representative	Product Manager	Product Information Specilaist
Purchasing Agent	Beauty-Cosmetics	Travel Consultant
Social Media	Travel Coordinator	Vendor Account Specialist
Community Manager	Events Manager	Marketing Product Manager -
Brand and Web	Travel Consultant	Parenthood Lines
Manager	Product Manager	International Product Manager / Spain
Senior Accountant	International	and Mexico
Purchasing Agent		
Senior Accountant		

Web and Brand Manager	Administrative Assistant - Creative Services	Product Information Specialist
Marketplace Operations Representative	Administrative Assistant	Help Desk Administrator
Social Media Community Manager	Research Specialist	IT Project Manager
Health and Beauty Help Desk Administrator	HR Manager	Marketing Product Manager
Travel Coordinator	Social Media Community Manager	Health and Nutrition
Business Analyst	Beauty and Cosmetics Data Processing Representative	QA Lead
Lead QA Engineer	Travel/Events Administrative Assistant	Internet Services Product Manager
Social Media Community Manager	Business Analyst	Corporate Counsel
Events Coordinator		Director of Release Management
Events Coordinator		Test Automation Engineer
Product Manager - US/CAN		Product Information Specilaist
		Copywriter
		Accounts Services Representative
		Purchasing Agent
		Python Software Engineer
		Business Analyst
		JAVA Software Engineer
		Universe Engineer
		Internet Services Product Manager
		TLS Administrator
		Merchant Content Coordinator
		Graphic Designer - Print
		Unauthorized Online Sales Specialist
		Benefits Specialist
		SEO Program Manager
		Copywriter
		Merchandising Manager

This the 13th day of October, 2020.

As to objections only:



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